

**Introduced by Senator Strickland**

February 27, 2009

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An act to amend Section 110480 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 749, as introduced, Strickland. Food safety.

Existing law, the Sherman Food, Drug, and Cosmetic Law, prohibits, with specified exceptions, a person from engaging in the manufacture, packing, or holding of any processed food in this state unless the person has a valid registration from the State Department of Public Health.

This bill would make a technical, nonsubstantive change to the exceptions to the registration requirement.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 110480 of the Health and Safety Code  
2     is amended to read:  
3     110480. The registration provisions of this article shall not  
4     apply to any person whose manufacturing, packing, or holding of  
5     processed food is limited solely to temporarily holding processed  
6     foods for up to seven days for further transport if the foods are not  
7     potentially hazardous foods, as defined in Section 110005, or to  
8     any person whose manufacturing, packing, or holding of processed  
9     food is limited solely to activities authorized by any of the  
10    following:

- 1 (a) A valid bottled water or water vending machine license
- 2 issued pursuant to Article 12 (commencing with Section 111070).
- 3 (b) A valid pet food license issued pursuant to Chapter 10
- 4 (commencing with Section 113025) of Part 6.
- 5 (c) A valid permit issued pursuant to ~~Chapter 4~~ *Part 7*
- 6 (commencing with Section 113700) ~~of Part 7~~ to a food facility
- 7 including a food facility that manufactures, packs, or holds
- 8 processed food for sale at wholesale, provided the food facility
- 9 that manufactures, packs, or holds processed food for sale at
- 10 wholesale does not meet any of the following conditions:
- 11 (1) Has gross annual wholesale sales of processed foods of more
- 12 than 25 percent of total food sales.
- 13 (2) Sells processed foods outside the jurisdiction of the local
- 14 health department.
- 15 (3) Sells processed foods that require labeling pursuant to this
- 16 part.
- 17 (4) Processes or handles fresh seafood, frozen seafood held in
- 18 bulk for further processing, or fresh or frozen raw shellfish.
- 19 (5) Salvages processed foods for sale other than at the retail
- 20 food facility.
- 21 (d) A valid cold storage license issued pursuant to Chapter 6
- 22 (commencing with Section 112350) of Part 6.
- 23 (e) A valid cannery license issued pursuant to Chapter 8
- 24 (commencing with Section 112650) of Part 6.
- 25 (f) A valid shellfish certificate issued pursuant to Chapter 5
- 26 (commencing with Section 112150) of Part 6.
- 27 (g) A valid frozen food locker plant license issued pursuant to
- 28 Chapter 7 (commencing with Section 112500) of Part 6.
- 29 (h) A valid winegrower's license or wine blender's license
- 30 pursuant to Division 9 (commencing with Section 23000) of the
- 31 Business and Professions Code.
- 32 (i) A valid milk products plant, margarine, imitation ice cream,
- 33 imitation ice milk, or a products resembling milk products plant
- 34 license, issued pursuant to Division 15 (commencing with Section
- 35 32501) of the Food and Agricultural Code.
- 36 (j) A valid permit issued by a local health department to operate
- 37 a processing establishment, as defined in Section 111955, that only
- 38 holds or warehouses processed food, pursuant to Article 1
- 39 (commencing with Section 111950) of Chapter 4 of Part 6,
- 40 provided that all of the following conditions are met:

1 (1) The warehouse does not manufacture or pack processed  
2 food.

3 (2) The warehouse does not hold fresh seafood, frozen seafood  
4 held in bulk for further processing, or fresh or frozen raw shellfish.

5 (3) The warehouse is not operated as an integral part of a food  
6 processing facility required to be registered pursuant to Section  
7 110460.

8 (4) The warehouse facilities are located entirely within the area  
9 under the jurisdiction of the local health department.

10 (5) The warehouse does not salvage food as the primary  
11 business.

12 (k) This section shall not be construed to limit the authority of  
13 Los Angeles, San Bernardino, and Orange Counties, or of the City  
14 of Vernon, to conduct any inspections otherwise authorized by  
15 Chapter 4 (commencing with Section 111950) of Part 6.

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